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UNITED STATES PATENT AND TRADEMARK OFFICE

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## Technology Center 2100

# BEFORE THE BOARD OF PATENT APPEALS
# AND INTERFERENCES

Application Number: 09/672,935
Filing Date: September 28, 2000
Appellant(s): RETLICH, KEVIN A.

Lee Eubanks
Reg. No. 58,785
For Appellant

# EXAMINER'S ANSWER

This is in response to the appeal brief filed 28 November 2007 appealing from the Office action mailed 3 May 2007.

## (1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

## (2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## (3) Status of Claims

The statement of the status of claims contained in the brief is correct.

## (4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

## (5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

## (6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

## (7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

## (8) Evidence Relied Upon

| 5526268 | Tkacs et al. | 6-1996 |
|---------|--------------|--------|
| 4916610 | Bapat | 4-1990 |

6212491                    Bargh et al.                    4-2001

Applicant's Admitted Prior Art, Specification, pages 1-2.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

Tkacs et al (US 5526268, filed 11 May 1994, hereafter Tkacs) and further in view of

Bapat (US 4916610, filed 5 October 1988), and further in view of the applicant's

admitted prior art (Specification, pages 1-2, hereafter Specification).

As per independent claim 1, Tkacs discloses:

a database including component data descriptive of the components and a

plurality of language fields including textual labels for component data presentations

and a plurality of language fields including textual labels for component data

presentations translated into a plurality of languages (column 4, lines 10- column 5, line

19; column 6, lines 12-17 and 34-39)

a plurality of monitoring screens viewable on the monitoring station and including

representations of component designations and component status parameters based

upon monitored data collected via the data network from the components in which

identifying component data is stored by the monitoring system (column 7, lines 17-38;

column 11, lines 45-49)

wherein the monitoring station is configured to access textual labels in a desired

language from the database for displaying the monitoring screens (column 6, lines 34-

39; column 7, lines 28-38; column 11, lines 5-7; column 14, lines 25-27)

Tkacs further discloses a real-time monitoring and display system (column 6,

lines 14-29).

Tkacs fails to specifically disclose use of language fields. However, Bapat

discloses fields containing allocated storage (column 6, line 32). It would have been

obvious to one of ordinary skill in the art at the time of the applicant's invention to have

combined Bapat with Tkacs, since it would have allowed a user to allocate fields for

storing data.

Tkacs fails to specifically disclose collecting data from the components in which

the data is stored. However, Specification discloses "components which regulate the

application of electrical power to load (page 1, lines 13-14)." Further, industrial

processes containing these components, "may rely upon sensed parameters (page 1,

lines 17-18)." Since the parameters are sensed from the components, the components

inherently store data and transmit the data through the network. It would have been

obvious to one of ordinary skill in the art at the time of the applicant's invention to have

combined Specification with Tkacs, since it would have allowed a user to obtain

component data via a data network.

As per dependent claim 2, Tkacs further discloses wherein at least one monitoring screen includes a user viewable menu for selecting the desired language (column 10, line 46- column 11, line 9).

As per dependent claim 3, Tkacs further discloses wherein the monitoring system is configured to change textual labels in respective monitoring screens upon a change by a user of the desired language without otherwise altering the monitoring screen (column 10, line 50- column 11, line 9; column 3, lines 36-41).

As per dependent claim 4, Tkacs further discloses wherein the component data in the database includes component parameter settings (column 7, lines 28-38).

As per dependent claim 5, Tkacs further discloses wherein the component data in the database includes historical event data the each component (column 8, lines 44-46).

As per dependent claim 6, Tkacs further discloses wherein the component data in the database includes textual data descriptive of each component, and wherein the textual data is translated into the desired language for display (column 10, line 24-column 11, line 5).

As per dependent claim 7, Tkacs further discloses wherein the component data in the database includes data representative of an image of each component (column 6, lines 22-26).

Claim 8 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Tkacs,

Bapat, and Specification, and further in view of Bargh et al. (US 6212491, filed 9

November 1998, hereafter Bargh).

As per dependent claim 8, Tkacs, Bapat, and Specification disclose the limitations

similar to those in claim 1, and the same rejection is incorporated herein. Tkacs

further discloses wherein the monitoring system is configured for the component

status parameters and to display the updated status parameter representations with

currently selected desired language (column 6, lines 34-39).

Tkacs fails to specifically disclose automatically polling the components for the

component status parameter. However, Bargh discloses polling a facility within a

simulation model for results rather than running an actual simulation (column 21, lines

38-55). It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to have combined Bargh with Tkacs, since it would have allowed a

user to perform high performance simulations.


Claims 9-20 and 22-28 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Tkacs and further in view of Specification.

As per independent claim 9, Tkacs discloses:

a database including component data descriptive of the components and a

plurality of language fields including textual labels for component data presentations

translated into a plurality of languages (column 4, lines 10- column 5, line 19; column 6,

lines 12-17 and 34-39)

a plurality of monitoring screens viewable on the monitoring station and including

representations of component destinations and component status parameters based

upon monitored data collected by the monitoring station via the data network (column 7,

lines 17-38; column 11, lines 45-49)

wherein the monitoring station is configured to access textual labels in a desired

language from the database for displaying the monitoring screens (column 6, lines 34-

39; column 7, lines 28-38; column 11, lines 5-7; column 14, lines 25-27)

Tkacs fails to specifically disclose collecting data from the components in which

the data is stored. However, Specification discloses "components which regulate the

application of electrical power to load (page 1, lines 13-14)." Further, industrial

processes containing these components, "may rely upon sensed parameters (page 1,

lines 17-18)." Since the parameters are sensed from the components, the components

inherently store data and transmit the data through the network. It would have been

obvious to one of ordinary skill in the art at the time of the applicant's invention to have

combined Specification with Tkacs, since it would have allowed a user to obtain

component data via a data network.

As per dependent claim 10, Tkacs further discloses wherein the database is

stored at the monitoring station (column 6, line 60- column 7, line 38).

As per dependent claim 11, Tkacs further discloses wherein the monitoring

representations include a user viewable menu of selectable languages (column 7, lines

28-38; column 11, lines 12-17).

As per dependent claim 12, Tkacs further discloses wherein the monitoring station is configured to access the desired language for the textual labels from the database based upon a user selection made via the menu (column 10, line 46- column 11, line 9).

As per dependent claim 13, Tkacs discloses wherein the parameters are updated in real-time column 6, lines 14-29).

As per dependent claim 14, Tkacs discloses wherein the desired language may be selectively changed by a user in real-time without otherwise altering display of updated component status parameters (column 3, lines 36-41; column 12, lines 56-60).

As per dependent claim 15, Tkacs further discloses wherein the components are configured to store component designation data and to transmit the designation data to the monitoring system upon demand by the monitoring system (column 7, lines 28-38).

As per dependent claims 16-19, the applicant discloses the limitations similar to those in claims 4-7 respectively. Claims 16-19 are similarly rejected.

As per independent claim 20, Tkacs discloses:

accessing component status data from a plurality of electrical components of a control and monitory system via a data network (column 1, lines 29-34; column 6, line 14- column 7, line 38)

accessing textual labels corresponding to the component status data from a system database, the database including translations of the textual labels in a plurality of languages and component descriptions for the components (column 4, line 10- column 5, line 19; column 6, lines 34-63)

displaying a plurality of monitoring representations for the component including presentations of component status data and textual labels in a desired language of the plurality of languages accessed from the database (column 6, line 34- column 7, line 38)

Tkacs fails to specifically disclose collecting data from the components in which the data is stored. However, Specification discloses "components which regulate the application of electrical power to load (page 1, lines 13-14)." Further, industrial processes containing these components, "may rely upon sensed parameters (page 1, lines 17-18)." Since the parameters are sensed from the components, the components inherently store data and transmit the data through the network. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Specification with Tkacs, since it would have allowed a user to obtain component data via a data network.

As per dependent claims 22, Tkacs further discloses wherein the textual labels are accessed from the database in accordance with predetermined fields of the representations (column 6, lines 34-63; column 10, lines 46-48).

As per dependent claim 23, Tkacs further discloses wherein the textual labels are accessed from the database in accordance with a user selection of the desired language (column 11, lines 5-9).

As per dependent claim 24, Tkacs further discloses wherein the representations include a user viewable menu for selecting the desired language (column 10, line 46- column 11, line 9).

As per dependent claim 25, Tkacs discloses wherein the desire language can be changed in real-time by a user selection via the menu (column 10, lines 46-48).

As per dependent claim 26, Tkacs discloses wherein the component descriptions are displayed in the monitoring representations for the respective components (column 7, lines 28-38; column 8, lines 44-46).

As per dependent claim 27, Tkacs discloses wherein the component descriptions are stored in the database in the plurality of languages (column 1, lines 12-17; column 6, line 60-63).

As per dependent claim 28, Tkacs discloses wherein the component descriptions are displayed in the monitoring representations in the desired languages (column 7, lines 28-38; column 11, lines 5-7).


Claim 21 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Tkacs and Specification, and further in view of Bargh.

As per dependent claim 21, Tkacs and Specification disclose the limitations similar to those in claim 20, and the same rejection is incorporated herein. Tkacs fails to specifically disclose the use of polling. However, Bargh discloses polling (column 21, lines 38-55). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Bargh with Tkacs, since it would have allowed a user to receive status information.


**(10) Response to Argument**

The appellant's first argument is based upon the belief that Tkacs fails to teach "components having component identification data stored therein (page 10)." As an initial matter, the examiner does not rely on Tkacs to disclose components having component identification stored therein. Instead, the examiner states that Tkacs discloses "a plurality of monitoring screens viewable on the monitoring station and including representations of component designations and component status parameters based upon monitored data collected via the data network from the components in which identifying component data is stored by the monitoring system (column 7, lines 17-38; column 11, lines 45-49). In this instance, Tkacs discloses storing component data within the monitoring system comprising components. The applicant's specification is relied upon for teaching storing data within a component (Specification: page 1, lines 13-14).

The appellant further argues that the AAPA fails to disclose data sensed from the components (pages 10-11). The examiner respectfully disagrees with this assertion. AAPA specifically states:

> A wide variety of systems are available for control and monitoring functions, particularly in industrial settings. Such systems may include components which regulate the application of electrical power to loads, such [as] electric motors. In a motor control center, for example, circuit protection devices, component protection devices, drives, starters, relays, disconnects, and so forth are interconnected to carryout desired industrial processes. The processes may be defined by pre-established routines, and may rely upon sensed parameters and operator-induced command inputs, all of which are transmitted through a data network [Specification: page 1, lines 12-19]

Here, the industrial process, comprised of a plurality of components, such as circuit protection devices, component protection devices, relays, and disconnects, allows for the sensing of parameters. The data sensed from this process, which is

made of components, must be sensed from these components. Further, data sensed from these components must be stored upon these components for at least a short quanta of time. Therefore, the sensing of data from a component is analogous to obtaining data stored upon the component. Further, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined obtaining data stored upon a component as disclosed by AAPA with Tkacs, since it would have allowed a user to obtain component data via a network.

The appellant's arguments with respect to Ground of Rejection Number 2 is substantially similar to the arguments presented above (page 12). These arguments are similarly not persuasive.

With respect to the appellant's arguments with respect to Ground of Rejection Number 3, the appellant argues that the prior art of record fails to teach storing component data within the component (page 13). Again, the examiner has addressed this argument. The appellant further argues that the prior art fails to teach a monitoring station configured to access such data (page 13). The examiner respectfully disagrees. Tkacs discloses a monitoring apparatus including feedback control outputs coupled to process actuators for monitoring and reporting component data (column 7, lines 17-38). This monitoring apparatus is analogous to the claimed monitoring station. The appellant further argues that the prior art fails to provide a plurality of monitoring representations built in real-time based upon the data (page 13). The examiner respectfully disagrees. Tkacs disclose a real-time monitoring and display system (column 6, lines 14-29).

With respect to claim 15, the appellant argues that the prior art fails to teach wherein the components are configured to store component designation data and to transmit the designation data to the monitoring system upon demand by the monitoring system (page 14). The examiner respectfully disagrees. The crux of the appellant's argument appears to be that the prior art fails to disclose providing the data on demand. Obtaining data on demand is analogous obtaining data in response to a request. Tkacs discloses monitoring components via a monitoring system. Monitoring these components inherently includes a request to obtain the current values of components within the monitoring system. The requests by the monitoring system to obtain the component values is analogous to the monitoring system obtaining the data on demand. Therefore, this argument is not persuasive.

The appellant presents arguments with respect to independent claim 20. These argument are substantially similar to arguments presented with respect to claims 1 and 9. These arguments are similarly not persuasive.

The appellant's arguments with respect to Ground of Rejection number four relies upon the arguments presented with respect to claim 20. These arguments are similarly not persuasive.

### (11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

*[signature]*

krs


Conferees:


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